

REMARKS

The official action of 17 June 2009 has been carefully considered and reconsideration of the application as amended is respectfully requested.

Claim 12 has been rewritten as new claim 26 and incorporates subject matter formerly in claims 1, 12, 13 and 21 (now cancelled). Claim 26 has also been amended based on Fig. 4 in the drawings as filed and the corresponding description in the specification. All other claims have been amended to depend from claim 26 or have been cancelled.

The claims have also been amended to remove the bases for the rejections under 35 USC 112, second paragraph, appearing at paragraph 1 of the official action. All claims now of record are respectfully believed to be sufficiently definite to satisfy the dictates of 35 USC 112, second paragraph.

The claims were rejected under 35 USC 102(b) as allegedly being anticipated by Hoffman or under 35 USC 103(a) as allegedly being unpatentable over Hoffman in view of Kolker et al and Miller, III or over this combination of references further in view of Sergel et al. The claims also were rejected under 35 USC 103(a) as allegedly being unpatentable over JP 8-58958 to Sato in view of Wolf et al. Applicants respectfully traverse these rejections.

With respect to the rejections based on Hoffman as primary reference,

Applicants gratefully acknowledge the Examiners clarifying remarks at paragraph 5 of the official action: “Although the central conveyor (5 and/or 5') in this reference is coextensive with the adjacent conveyors, the claims at present do not clearly distinguish the reference structure.” In view of these remarks, claim 26 has been amended to recite clearly and explicitly that the central conveyor (41 in Fig. 4) is continuous from the feed side to the discharge side. The outer conveyors (43, 42; 45, 44), on the other hand, do not extend continuously but have a measuring slit between the conveyor belts forming the conveyors.

In contrast, Hoffmann neither teaches nor suggests that the juxtaposed conveyors 4, 5 and 6 are differently constructed. To the contrary, Hoffman strongly suggests at paragraph [0020] that the conveyors disposed parallel to each other are of identical construction.

Kolker teaches the use of a single first continuous conveyor belt 2, and a single second conveyor belt 3 (e.g., Fig. 1 of Kolker) which are disposed in line with each other, and not parallel to each other. Accordingly, a combination of Hoffman and Kolker (even assuming for the sake of argument that such combination were proper) would not arrive at the invention defined by claim 26.

With respect to the rejection based on JP ‘958 as primary reference, Applicants respectfully note that the rejection was not applied against the subject matter of claim 13 which has been incorporated into claim 26. Moreover, in accordance with the recitations in claim 26, the main conveyor belt and the auxiliary conveyor belt are

driven at the same speed. If this were not the case then tread material transported on these conveyor belts would experience undesired tensioning which could lead to distortions. This also is the reason why a person skilled in the art of tire manufacturing would never consider using the transporting devices described in JP '958 or Wolf, which both describe parallel conveyors belts which are required to be driven at different speeds in order to change the orientation of a product transported thereby.

In view of the above, Applicants respectfully submit that the amendments to the claims remove the bases for the prior art rejection such that all rejections and objections of record have now been overcome. An early notice of allowance is earnestly solicited and is believed to be fully warranted.

Respectfully submitted,

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